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Book - 10172 Pg - 6729-6734  
GARY W. OTT  
RECORDER, SALT LAKE COUNTY, UTAH  
MDG INVESTMENTS  
4395 S RIVERBOAT RD STE 450  
SLC UT 84123  
BY: ZJM, DEPUTY - WI 6 P.

MNT: 37729  
WHEN RECORDED MAIL TO:

MDG Investments, LLC  
C/o Corey Leiseth  
Momentum Development Group  
4395 South Riverboat Road, Suite 450  
Salt Lake City, Utah 84123

APN: 26-36-453-001; and 002  
26-36-400-057

### DECLARATION OF CROSS EASEMENTS

This DECLARATION OF CROSS EASEMENTS has been made and executed on this 26 day of August 2013 by MDG Investments, LLC, a Utah limited liability company of Salt Lake City, Utah ("MDG") and HTC Communities, LLC, a Delaware limited liability company of Salt Lake City, Utah ("HTC").

WHEREAS, MDG is the owner of two parcels of real property located in Herriman, Salt Lake County, State of Utah that are more particularly described on the Exhibit "A" that is attached hereto and by this reference made a part hereof ( the "MDG Property").

WHEREAS, the MDG Property comprises all of the real property located within the subdivision plat know as Herriman Towne Center Market Place Lots 3 & 4 that was recorded on May 10, 2013 as Entry Number 11638845 in Book 2013P at Page 86 in the records of the Salt lake County Recorder, State of Utah (the "Plat").

WHEREAS, HTC is the owner of a parcel of real property that adjoins the MDG Property on the North and the East that is also located in Herriman, Salt Lake County, State of Utah that is more particularly described on the Exhibit "B" that is attached hereto and by this reference made a part hereof (the "HTC Property").

WHEREAS, the Plat designates a Cross Access Easement Area that runs along the East and North lines of the MDG Property the metes and bounds legal description for which is set forth on the Exhibit "C" that is attached hereto and by this reference made a part hereof (the "Easement Property").

WHEREAS, MDG and HTC are desirous of creating cross easements over and across the Easement Property for the purpose of providing for vehicular and pedestrian ingress and egress to and from 13400 South Street for the benefit of both the MDG Property and the HTC Property.


THEREFORE, MDG and HTC hereby convey, grant and agree as follows:

1. GRANT OF CROSS EASEMENTS FOR INGRESS AND EGRESS. MDG and HTC hereby grant and convey, each to the other, perpetual, non-exclusive cross easements over and across the Easement Property for the purpose of providing for vehicular and pedestrian ingress and egress to and from 13400 South Street. The cross easements granted and conveyed hereby are for the benefit of the MDG Property and the HTC Property.
2. APPURTENANT. The cross easements created hereby shall be appurtenant to and shall run with the title to both the MDG Property and the HTC Property.
3. MAINTENANCE OF DRIVEWAYS. All costs associated with the repair, replacement and maintenance (including snow removal) of the driveways and curb cuts that are located upon the Easement Property shall be borne by the owner of the property upon which the driveways and curb cuts are located. Said owner shall maintain such driveways and curb cuts in a commercially reasonable manner and in a good state of repair.
4. INDEMNIFICATION. MDG and HTC shall protect, indemnify and save harmless the other, their successors and assigns from and against any and all liability, loss, cost, damage, expense and claims of every kind and nature due to injury or death of any person or loss of or damage to any property whatsoever, arising directly or indirectly out of or incident to their use of the Easement Property.
5. NO INTERFERENCE. At all times, the Easement Property shall be kept free and open and neither MDG nor HTC shall prohibit or attempt to prohibit the use of the Easement Property by the other party for the purposes herein described. No improvements, barriers, structures or other obstructions shall be placed, installed, constructed or located on the Easement Property which shall prevent or interfere with the use of the Easement Property as contemplated herein.

IN WITNESS WHEREOF, MDG and HTC have executed this Declaration of Cross Easements on the day and year first written above.

HTC: HTC Communities, LLC, a  
Delaware limited liability company

By: Momentum – HTC, LLC, a  
Utah limited liability company  
Its: Manager

By:   
Name: MICHAEL BLASLAND  
Its: Manager

MDG:

MDG Investments, LLC, a  
Utah limited liability company

By: [Signature]  
Name: Coray A. Leiseth  
Its: Manager

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On this 26 day of August 2013, personally appeared before me  
Michael Kunkel, signer of the foregoing instrument, who  
duly acknowledged to me that he executed the same in his capacity as the Manager of  
MDG Investments, LLC, a Utah limited liability company and who further acknowledged  
that said limited liability company executed the same.



[Signature]  
NOTARY PUBLIC

STATE OF UTAH )  
 ) ss.  
COUNTY OF SALT LAKE )

On the 26 day of August 2013, personally appeared before me  
Michael Kunkel, signer of the foregoing instrument who duly  
acknowledged to me that he executed the same in his capacity as the Manager of  
Momentum - HTC, LLC, a Utah limited liability company and who further  
acknowledged that said limited liability company executed the same in its capacity as the  
Manager of HTC Communities, LLC, a Delaware limited liability company.



[Signature]  
NOTARY PUBLIC

**EXHIBIT "A"**  
**(the "MDG Property")**

All of lots 3 and 4 of HERRIMAN TOWNE CENTER MARKET PLACE Lots 3 & 4 according to the official plat thereof recorded on May 10, 2013 as Entry Number 11638845 in Book 2013P of plats at page 86 in the official records of the Salt Lake County Recorder, State of Utah.

EXHIBIT "B"  
(the "HTC Property")

BEGINNING South 89 degrees 38' 29" East 614 feet and North 0 degrees 22' 31" East 53 feet from the South Quarter corner of Section 36, Township 3 South, Range 2 West, SLB&M and running thence North 89 degrees 38' 29" West 221.91 feet more or less; thence North 0 degrees 22' 32" East 65.83 feet; thence North 89 degrees 37' 28" West 50 feet; thence South 0 degrees 22' 32" West 65.86 feet; thence North 89 degrees 38' 29" West 38.26 feet more or less; thence North 0 degrees 11' 38" East 162.08 feet; thence North 89 degrees 48' 22" West 231 feet; thence North 0 degrees 11' 38" East 106.17 feet; thence South 89 degrees 48' 22" East 542.02 feet; thence South 0 degrees 22' 31" West 270 feet to the point of beginning.

**EXHIBIT "C"**  
**(the "Easement Property")**

**CROSS ACCESS EASEMENT**  
**HERRIMAN TOWNE CENTER MARKET PLACE LOTS 3 AND 4**

An easement located in the Southeast Quarter of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian, Salt Lake County, Utah, described as follows:

BEGINNING at a point on the north line of 13400 South Street, said point being South 89°38'29" East 304.18 feet along the south line of Section 36, Township 3 South, Range 2 West, Salt Lake Base and Meridian and North 53.00 feet from the South Quarter Corner of said Section 36, and thence South 89°38'29" East 17.54 feet; thence North 00°21'31" East 162.13 feet; thence North 89°48'22" West 18.00 feet; thence North 00°11'38" East 10.00 feet; thence North 89°48'22" West 231.00 feet; thence South 00°11'38" West 20.00 feet; thence South 89°48'22" East 214.00 feet; thence South 00°21'31" West 103.63 feet to a 5.50 foot radius tangent curve to the right; thence along said curve 8.64 feet through a central angel of 90°00'00" and a long chord of South 45°21'31" West 7.78 feet; thence North 89°38'29" West 67.44 feet; thence South 00°21'31" West 37.19 feet to a point on the arc of a 68.50 foot radius non-tangent curve to the left, the center of which bears North 4°08'29" West; thence along said curve 17.24 feet through a central angel of 14°25'23" and a long chord of North 78°38'50" East 17.20 feet; thence North 71°26'08" East 43.16 feet to a 31.50 foot radius tangent curve to the right; thence along said curve 9.87 feet through a central angel of 17°57'13" and a long chord of North 80°24'44" East 9.83 feet to a 5.50 foot radius tangent curve to the right; thence along said curve 8.73 feet through a central angel of 90°58'10" and a long chord of South 45°07'34" East 7.84 feet; thence South 00°21'31" West 29.40 feet; thence South 89°38'29" East 17.46 feet to the POINT OF BEGINNING. Said easement contains 12,109 square feet or 0.28 acres, more or less.